

REMARKS

I. Introduction

In response to the Office Action dated April 23, 2003, claims 4, 26 and 47 have been amended. Claims 1-66 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicant's attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. Drawing Suggestion

In paragraph (4) of the Office Action, the previously-submitted drawings were approved, but the Office Action suggested that the factors enumerated and illustrated in FIG. 2 be further clarified.

Applicant's attorney respectfully submits that the factors need no further clarification, because they are clear and understandable in their current form.

IV. Prior Art Rejections

In paragraph (5) of the Office Action, claims 1-66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Curley, "Royal Bank unearths profitability solution," (Curley).

Applicant's attorney respectfully traverses these rejections. Specifically, Applicant's attorney submits herewith a Declaration under 37 C.F.R. §1.132 stating that the Curley reference comprises a description of the Applicant's invention. Consequently, the reference is not a proper citation under 35 U.S.C. §102/103. Thus, Applicant's attorney requests that the rejections of the claims be withdrawn.

V. Requirement under 37 C.F.R. §1.105

In paragraph (6) of the Office Action, Applicant and the Assignee were required to provide information so that an analysis under 35 U.S.C. §102/103 could be ascertained. The Office Action implied that the analysis would be made with regard to the publication referenced above, namely Curley, "Royal Bank unearths profitability solution." The Office Action thus requested the following information: "1. The date of all pertinent information related and associated to/with the

instant application's financial processing system regarding the account, event and organization attributes, along with the profitability calculations."

Applicant's attorney respectfully submits that the Declaration under 37 C.F.R. §1.132 moots this requirement, since the Curley reference is not a prior art reference.

In addition, Applicant's attorney respectfully submits that the request is unduly vague. For example, Applicant's attorney is unsure of what is being requested with regard to the "date of all pertinent information." It appears that this may be a request for a date of conception and/or reduction to practice of the Applicant's invention. If so, then the request is improper.

Finally, Applicant's attorney notes that the requested information cannot be characterized as falling within the categories of information enumerated in 37 C.F.R. §1.105(a)(1)(i)-(vii). Applicant's attorney also notes that the requested information cannot be characterized as falling within the boundaries set forth in M.P.E.P. §704.11(a). As a result, Applicant's attorney submits that the requested information is not reasonably required for examination.

In view of the above, Applicant's attorney requests that the requirement be withdrawn.

VI. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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